

CHAPTER 103
CORPORAL PUNISHMENT BAN

281—103.1(280) Purpose. In conjunction with Iowa Code Supplement section 280.21, the purpose of this chapter is to define and exemplify generally the limitations placed on employees of public schools, accredited nonpublic schools, and area education agencies in applying physical contact or force to enrolled students, and to require that any such force or contact is reasonable and necessary under the circumstances.

281—103.2(280) Ban on corporal punishment. An employee of a public school district, accredited nonpublic school, or area education agency shall not inflict, or cause to be inflicted, corporal punishment upon a student. “Corporal punishment” is defined to mean the intentional physical punishment of a student. It includes the use of unreasonable or unnecessary physical force, or physical contact made with the intent to harm or cause pain.

281—103.3(280) Exclusions. Corporal punishment does not include the following:

1. Verbal recrimination or chastisement directed toward a student;
2. Reasonable requests or requirements of a student engaged in activities associated with physical education class or extracurricular athletics;
3. Actions consistent with and included in an individualized educational program developed under the Education for All Handicapped Children Act and Iowa Code chapter 256B;
4. Detention in a seat, classroom or other part of a school facility, unless the detention is accomplished by the use of material restraints applied to the person;
5. Actions by an employee subject to these rules toward a person who is not a student of the school or receiving the services of an area education agency employing or utilizing the services of the employee.

281—103.4(280) Exceptions and privileges. Notwithstanding rule 103.2(280), no employee subject to these rules is prohibited from:

1. Using reasonable and necessary force, not designed or intended to cause pain, in order to accomplish any of the following:
 - To quell a disturbance or prevent an act that threatens physical harm to any person.
 - To obtain possession of a weapon or other dangerous object within a pupil’s control.
 - For the purposes of self-defense or defense of others as provided for in Iowa Code section 704.3.
 - For the protection of property as provided for in Iowa Code section 704.4 or 704.5.
 - To remove a disruptive pupil from class or any area of school premises, or from school-sponsored activities off school premises.
 - To prevent a student from the self-infliction of harm.
 - To protect the safety of others.
2. Using incidental, minor, or reasonable physical contact to maintain order and control.

An employee subject to these rules is not privileged to use unreasonable force to accomplish any of the purposes listed above.

281—103.5(280) Reasonable force. In determining the reasonableness of the physical force used by a school employee, the following factors shall be applied:

1. The size and physical, mental, and psychological condition of the student;
2. The nature of the student’s behavior or misconduct provoking the use of physical force;
3. The instrumentality used in applying the physical force;

4. The extent and nature of resulting injury to the student, if any;
5. The motivation of the school employee using physical force.

Reasonable physical force, privileged at its inception, does not lose its privileged status by reasons of an injury to the student, not reasonably foreseeable or otherwise caused by intervening acts of another, including the student.

281—103.6(280) Physical confinement and detention. If a student is physically confined or detained in a portion of a school facility, the following conditions shall be observed:

1. The area of confinement shall be of reasonable dimensions;
2. There shall be sufficient light and adequate ventilation for human habitation;
3. A comfortable temperature shall be maintained, consistent with the facility that includes the detention or confinement area;
4. Reasonable break periods shall be afforded the student to attend to bodily needs. However, sleep shall not be considered a “bodily need” for purposes of this subrule;
5. The period of detention or confinement is reasonable and not in excess of the hours in a school day as defined by local board policy or rule. However, reasonable periods of before- and after-school detention are permissible;
6. Adequate adult supervision is provided;
7. Material restraints applied to the person are not used to effect confinement.

These rules are intended to implement Iowa Code Supplement section 280.21 and 1990 Iowa Acts, chapter 1218.

[Filed 10/12/90, Notice 9/5/90—published 10/31/90, effective 12/5/90*]

[Filed 9/13/91, Notice 5/29/91—published 10/2/91, effective 11/6/91]

CHAPTERS 104 to 119
Reserved

*Effective date of 281—103.2(280), last 2 sentences, delayed until adjournment of the 1991 Session of the General Assembly by the Administrative Rules Review Committee at its November 13, 1990, meeting. The agency rescinded the last sentence, effective 11/6/91, IAB 10/2/91.